

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-V-

RONALD OCASIO,

Defendant.

20 Civ. 9733 (JPC)  
95 Cr. 942 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Pending before this Court is Petitioner Ronald Ocasio’s successive petition for habeas relief pursuant to 28 U.S.C. § 2255. *See* Dkt. 349.<sup>1</sup> On February 23, 2021, the Court directed the Clerk of Court to appoint counsel from this District’s Habeas Panel pursuant to 18 U.S.C. § 3006A(a)(2)(B), to represent Mr. Ocasio in connection with a *Brady* claim, after consideration of the factors set forth in *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). Dkt. 399. On February 25, the Court appointed Florian Miedel, Esq. Dkt. 400.

On August 24, 2021, Mr. Miedel requested to be relieved as counsel, explaining that “[a]fter considerable time and a number of conversations with Mr. Ocasio, we have decided that I will not be filing a memorandum of law in support of the *Brady* claim in his § 2255 motion.” Dkt. 414. Mr. Miedel’s August 24 letter further noted that Mr. Ocasio “wished to pursue his *Brady* claim *pro se*.” Dkt. 414. The Court granted Mr. Miedel’s request to be relieved on August 30, 2021, and further extended the deadline for Mr. Ocasio’s supplemental submission to October 29, 2021. Dkt. 415.

In a letter dated September 1, 2021, and filed on September 7, 2021, Mr. Ocasio once again

<sup>1</sup> All docket citations are to the criminal docket, *United States v. Ocasio*, No. 95 Cr. 942 (JPC) (S.D.N.Y.).


requests new counsel, stating that Mr. Miedel's request to withdraw as his counsel "was not a mutual decision." Dkt. 416. Mr. Ocasio contends that Mr. Miedel is of the view that Mr. Ocasio has "a newly discovered evidence/*Giglio* claim," but "feels that [Mr. Ocasio] should pursue that matter [*pro se*]." *Id.* Mr. Ocasio suggests that Mr. Miedel's application to be relieved stemmed from an erroneous understanding that a potential *Giglio* claim would have fallen beyond the scope of Mr. Miedel's appointment to represent Mr. Ocasio. *Id.*

Mr. Miedel is ordered to respond to Mr. Ocasio's September 1 letter by September 22, 2021. Mr. Miedel should address whether he believes that Mr. Ocasio has a viable claim under *Giglio* or for newly discovered evidence, and if so, whether he believes pursuing such an argument would fall within the scope of his prior appointment. Mr. Miedel may submit his response *ex parte* under seal, with a copy to Mr. Ocasio, to extent it would reveal litigation strategy or attorney-client communications that have not otherwise been waived.

The Clerk of Court is respectfully directed to mail a copy of this order to the *pro se* petitioner.

SO ORDERED.

Dated: September 17, 2021  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge